

Application Serial No. 10/581,182
Response to Office Action dated February 19, 2010

PATENT
Docket: CU-4848

REMARKS

The Applicant has amended the claims herein and requests favorable consideration.

In the claims, the Applicant has amended claims 29 and 30 to include a reference to "wherein the basic shape of the artificial corundum crystal is a hexagonally dipyramidal shape,". Please also cancel claims 31 and 32. Support for the amendments can be found in the original disclosure, for instance in paragraphs [0186], [0188], [0190]-[0192] of the publication U.S. 2007/0098618. No new matter has been added by way of this amendment. The amendments to the claims can be viewed in Amendments section in the Listing of claims beginning on page 2 of this paper.

Beginning on page 2 of the Office Action, the Examiner has rejected claims 29-32 as being unpatentable over Keig et al. (U.S. 3,655,415). Specifically, the Examiner indicates that claims 29 and 30 are unpatentable over Keig et al. and that claims 31 and 32 are product-by-process claims and that the patentability determination of the claims is not dependent on the method of production.

The Applicant has herein cancelled claims 31 and 32 thereby rendering moot any objection or rejection as to those claims.

Keig et al. does not discuss the basic shape of the corundum crystal as being a hexagonally dipyramidal shape. Claims 29 and 30 provide that the claimed corundum crystal has a hexagonal dipyramidal shape. When the crystal of the present invention is, therefore, used as a laser-oscillating material of the like, processing can be applied thereto in the state that the hexagonally dipyramidal shape is used. This has the advantage that the crystal can be put into practical use at low costs.

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The Applicant submits that claims 29 and 30 are not obvious over Keig et al. because all of the features of the claims are not taught or suggested by Keig et al. The Applicant respectfully requests that the rejection of the claims be withdrawn.

The Examiner rejected Claims 29-32 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over co-pending Application No. 10/589,635 in view of Keig et al.. In response, the Applicant has herewith filed a Terminal Disclaimer pursuant to the provisions of 37 C.F.R. §1.321(c), and respectfully submits that said Disclaimer overcomes the asserted grounds of rejection. The Applicant respectfully requests, therefore, that the Examiner withdraw the obviousness type double patenting rejection.

CONCLUSIONS

The Applicant respectfully contends that all conditions of patentability are met in the pending claims. Applicant respectfully submits that this application should be in condition for allowance. Furthermore, Applicant respectfully requests favorable consideration. The Examiner is invited to contact the undersigned attorney for any further clarification if necessary.

Respectfully Submitted,



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